

REMARKS

1. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-38 are pending in this application.

Claims 21-26 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The drawings have been objected to. The disclosure has been objected to. Claims 1-38 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 5,828,747 to Fisher et al.

2. Claims 21-26 have been rejected as being indefinite. In response, claim 21 has been amended to be an apparatus claim.

3. The drawings have been objected to. In response, the drawings have been corrected. A marked-up FIG. 1 included with changes highlighted in red. New FIGs. 3-5 have been added.

4. The disclosure has been objected to. In response, the specification has been corrected.

5. Claims 1-38 have been rejected as being anticipated by Fisher et al. It is noted first, in this regard, that the Examiner would appear to be mistaken in his assertion that "Fisher et al. teach . . . determining a target occupancy matrix including a target occupancy for each agent for each call type of the plurality of call types" (Office Action of 3/19/04, page 4). For example, instead of providing a

target occupancy for each call type, Fisher et al. provides a target occupancy based upon agent skills wherein "Each data structure 700-701 includes zero or more entries 704-706 each one of which indicates the target and actual occupancies for a different one of the agent's skills" (Fisher et al., col. 5, lines 24-27). Since the Fisher et al. target occupancy is based upon skill, Fisher et al. clearly does not teach or suggest the method step of (or apparatus for) determining a target occupancy for each agent for each call type of the plurality of call types.

The Examiner would also appear to be mistaken with regard to the Examiner's assertion that "Fisher et al. teach . . . assigning the call to an agent of the agents of the ACD with the largest relative difference between an actual occupancy of calls of the first type handled by the agent and the target occupancy of calls of the first type" (Office Action of 3/19/04, page 4). With regard to call assignment, Fisher et al. describes a function that "allocates the call to the agent on whose occupancy the call has the best effect, at step 604, and ends, at step 606" (Fisher et al., col. 5, lines 60-62). Fisher et al. then offer four examples of ways to provide the best effect. The first example "is to allocate the call to the least-occupied available suitable agent (LOA)- the one who has the largest percentage of staff time spent as actual idle time" (Fisher et al., col. 6, lines 1-4). Since idle time is not considered under the claimed invention, the first example offered by Fisher et al. is clearly not the same as the claimed step of "assigning the call to an agent of the agents of the automatic call distributor with a largest relative difference between an actual occupancy of calls of the first type handled by the agent and the target

occupancy of calls of the first type determined for the agent in the target occupancy matrix".

The second example offered by Fisher et al. for providing the best effect is to "allocate the call to the one of the available suitable agents whose actual idle time is more than and deviates the most from his or her target idle time" (Fisher et al., col. 6, lines 4-6). However, allocation of a call based upon idle time is not the same as allocating a call based upon the largest relative difference between a target occupancy and the actual occupancy.

The third example offered by Fisher et al. for providing the best effect is to "allocate the call to the least-occupied one of the available suitable agents whose actual occupancy for the requisite call-handling skill or skills is below target" (Fisher et al., col. 6, lines 9-12). However, allocating the call to the least-occupied agent whose actual occupancy is below the target is not the same as allocating a call based upon the largest relative difference between a target occupancy and the actual occupancy.

The fourth example offered by Fisher et al. for providing the best effect is to "take either all or some number or percentage of the least-occupied available suitable agents and from those agents determine and choose the one to whom allocation of the call will maximize convergence of the actual occupancies and the target occupancies" (Fisher et al., col. 6, lines 12-19). However, occupancy is defined "as the ratio of the agent's work time (in all of the agent's skills, if skills-based call distribution is used) to the total time that the agent has been at work" (Fisher et al., col. 2, lines 1-4). As

such, the term "least occupied . . . agents" suggests some subset of agents. Since occupancy is defined in terms of "all of the agent's skills", the agent selected under Fisher et al. would not necessarily be the agent with the largest relative difference between the target occupancy and actual occupancy. This is the case because under the claimed invention, agent selection is based upon the relative differences alone, while under Fisher et al. selection is based upon: 1) which agent is in the least occupied group and 2) which of the agents in the least occupied group would maximize convergence of actual and target occupancies. In this case, the selection of one of the least-occupied available agents is clearly different than selection of the agent with the largest relative difference among the agents of the automatic call distributor.

The Examiner asserts that "With respect to the repair processor, as best as can be determined, the repair processor concerns itself with iteratively changing the target matrix to actual occupancy in line with the target matrix (that is what Fisher does, see Abstract)" (Office Action of 3/19/04, page 6). It is believed that the Examiner is mistaken in this regard.

For example, "Iterative repair may be performed continuously to accommodate changes in call loading or periodically based upon some objective loading standard (e.g., queue length for call groups)" (specification, page 13, line 32 to page 14, line 1). The specification (page 14, line 31 to page 15, line 25) provides numerous concrete examples of methods that may be used to iteratively repair target occupancy. In contrast, Fisher does not concern itself with iterative repair of the target occupancy matrix

or with changes in loading. More to the point, Fisher is merely directed to improving "the equity of distribution of calls to agents (106-108) by basing the distribution on the agent's individual occupancies" (Fisher, Abstract, lines 2-4). Since Fisher is directed to improving the equity of call distribution, there is no recognition of the need to accommodate changes in objective loading standards and certainly no recognition of the need for iterative repair.

The Examiner asserts next that "The objective function processor determines the effect of call allocation on the target matrix, such is taught by Fisher et al. (see Fig. 6)" (Office Action of 3/19/04, page 6). However, the Examiner is clearly mistaken in this regard.

For example, instead of determining the effect of call allocation, the objective function used by the objective function processor "provides a means of evaluating a new (iterative) target matrix over a previous target matrix" (specification, page 14, lines 8-10) "to accommodate changes in call loading" (specification, page 13, line 33). In contrast, Fig. 6 of Fisher et al. is directed merely to the equitable distribution of calls by minimizing the differences between an actual occupancy and a target occupancy.

In addition, claims 8-13, 21-26 and 34-37 are directed to methods of generating and repairing target occupancy matrices. Methods (and apparatus) for accomplishing this task are clearly described in the specification (page 8, line 27 to page 16, line 19). Since Fisher et al. is directed to equitable distribution of calls, Fisher et al. clearly fails to provide any teaching in this regard.

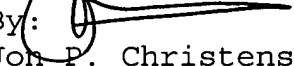
Since Fisher et al. does not involve the use of target occupancies for call types, or the use of the largest

relative difference among the agents between actual occupancies and target occupancies, or the use of iterative repair, or the use of an objective function or objective function processor, Fisher et al. does not do the same (or any similar) thing as that of the claimed invention. Since Fisher et al. does not do the same thing, the rejections are believed to be improper and should be withdrawn.

6. Allowance of claims 1-38, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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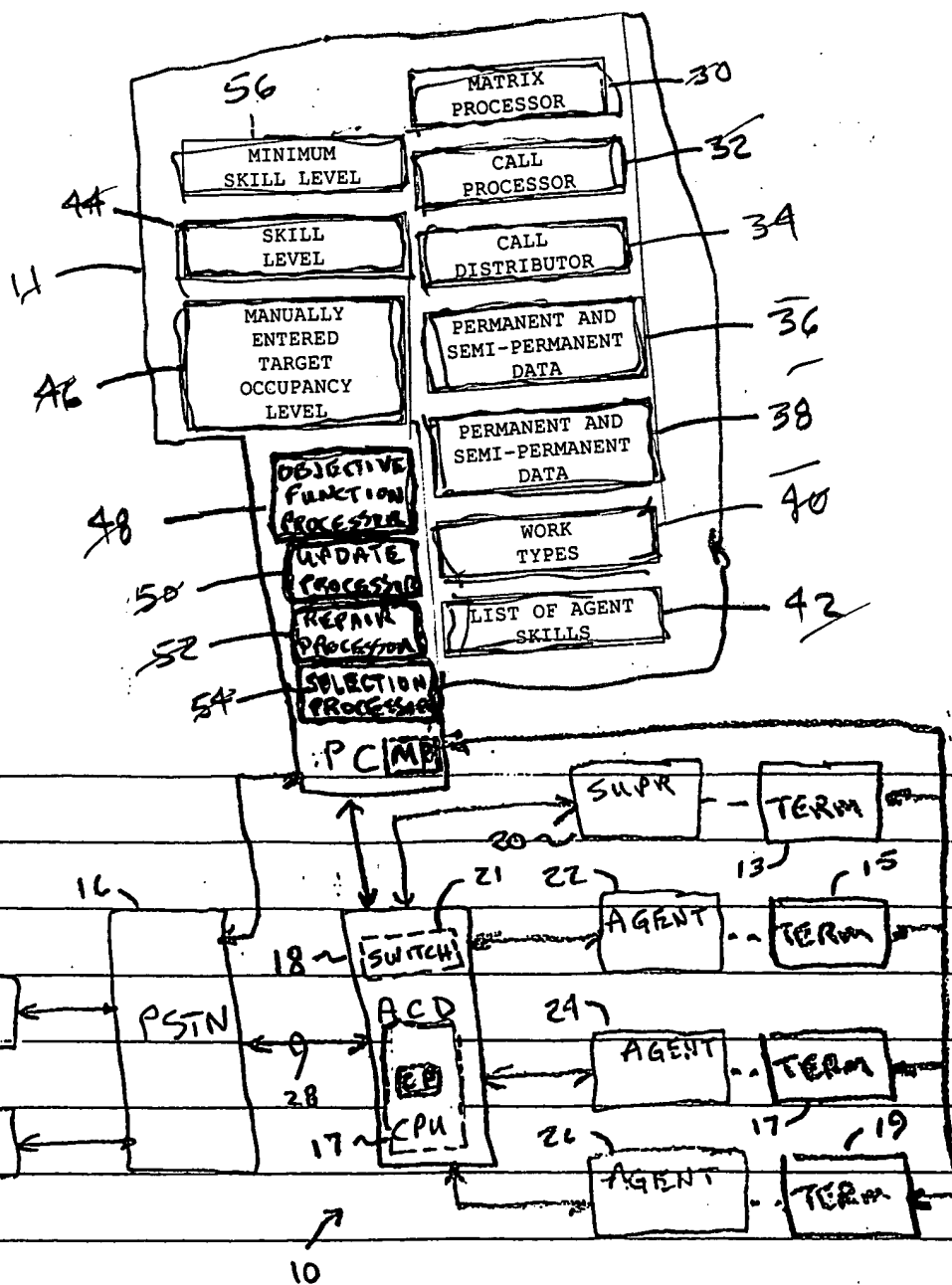


FIG. 1